

REMARKS

The present amendment is in response to the Office Action dated May 5, 2009, where claim 30 stands rejected. No amendments have been made. Accordingly, claim 30 is pending in the present application. Reconsideration and allowance of pending claim 30 in view of the following remarks are respectfully requested.

A. Rejection of Claim 30 Under 35 USC § 103(a)

Claim 30 stands rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,113,809 ("Noesgaard") in view of U.S. Patent No. 6,909,8978 ("Haller") and further in view of U.S. Patent No. 7,228,341 ("Giacalone"). This rejection is hereby traversed, and it is submitted that amended independent claim 30 is fully distinguished from the references, as described in more detail below.

In the Office Action dated May 5, 2009 (hereinafter "the Office Action"), the Office Action cites Noesgaard at C5, L16-23 as disclosing the step of providing a wireless communication device with an association list that identifies a trigger event to be associated with the media package. The cited portion of Noesgaard is provided below in part:

[C5, L16-23] In addition, the user may desire to identify which information from one or more of the applications is to be provided during the idle state. It may be advantageous to provide, on the providing means, predetermined information, as derived information, in one predetermined manner during the idle state and the predetermined information in another manner during a state other than the idle state.

The Office Action states that "it has been interpreted that the providing of predetermined information corresponding to media objects in different manners

sufficiently corresponds to providing an ordered sequence of media events associated with an association list that identifies a trigger event."

Applicant submits that this passage does not disclose identifying a trigger event to be associated with the media package, wherein said trigger event is included in an association list, as required by claim 30. This passage also does not disclose transmitting the media package and said association list to a wireless communication device, as required by claim 30.

There is simply no suggestion of anything like an association list or of a trigger event in Noesgaard. Rather, what the cited Noesgaard passage is referring to is the identification of one or more items that are to be included in the media package. This linking of content disclosed by Noesgaard is very different from the claimed steps.

Because this passage of Noesgaard does not disclose identifying a trigger event and also does not disclose transmitting a media package and an association list that includes the trigger event to a wireless communication device, the Office Action's reliance on Noesgaard for these limitations is misplaced.

In the Office Action, the Office Action states that "Noesgaard and Haller do not explicitly disclose that a trigger event is included in an association list and that an association list is transmitted to a wireless communication device along with the media package." The Office Action then cites to Giacalone for teaching these limitations.

Specifically, the Office Action cites to Giacalone at C2, L10-53 as disclosing the step of identifying a trigger event to be associated with the media package, wherein said trigger event is included in an association list.

[C2, L10-53] Briefly, a presently preferred embodiment of the present provides a method for facilitating the electronic distribution and scheduling for transmission or playback of a variety of communicative media including music, graphics, photographic compositions, audio and/or video content.

In the described system, discrete items of content are scheduled for playback based upon a schedule created by the integration of four standard scheduling methods into a single comprehensive scheduling algorithm. In the first scheduling method a discrete item of content is assigned a frequency rating relative to other items of content. A second way to schedule is called recurring playback. In the recurring method, a particular item of content is scheduled to repeat at specific intervals of time. Intervals can be in terms of minutes, hours or days. A third scheduling method allows the content to be played according to a time base, that is, media content can be scheduled to play at a specific date and time. The forth type of input to the scheduling system is a trigger event which is received from a source external to the scheduling system. Upon receiving a trigger event, particular media content will be played. Included among trigger events is a mechanism called asynchronous request relating to play of previously unscheduled content on an external request basis. A fifth type of input is called category filtering and relates to a characterization qualification, or determination as to whether or not particular content is in some way restricted as to its availability for play in a particular venue. The current invention incorporates these five methods of scheduling playback of content in a single comprehensive scheduling system.

More concisely stated, the present invention supports the following scheduling methods: 1. The assignment of a relative frequency of play method; 2. A recurring interval method; 3. A specified time of play method (time base); 4. An external event or condition trigger; and 5. Category filtering.

An important advantage of the present invention is that it combines all five algorithms into a single system to provide the flexibility required in a networked system containing multiple media players.

Another advantage of the present invention is that it automates the introduction of previously non-scheduled media play based upon an external event and/or request.

While Giacalone does reference a "trigger event", there is no disclosure of a trigger event included in an association list, as required by claim 30. Rather, all Giacalone does disclose is that "upon receiving a receiving a trigger event, particular media content will be played." There is simply no teaching of maintaining the trigger event in an association list or of an association list at all in Giacalone.

The Office Action also cites to Giacalone at C1, L24-30 and C2, L3-9 and 54-62 as disclosing the step of transmitting the media package and said association list to a wireless communication device.

[C1, L24-30] The present invention generally relates to media distribution, display and control methods and systems, and more particularly to an improved method and system for scheduling and distributing discrete modules of content (i.e., audio or video or multimedia) and for managing scheduling conflicts that result from the application of multiple scheduling algorithms within a comprehensive scheduling system.

[C2, L3-9] It is therefore an object of the present invention to provide a method for enabling the automated scheduling of media to be played on a logical group of players connected via a distributed network.

Another object of the present invention to provide several methods of scheduling that combine to create a comprehensive and flexible media scheduling system.

[C2, L54-62] Another advantage of the present invention is that it automates the distribution of scheduling changes and/or interrupts to the end nodes (media players) of a distributed network in a media playing system.

These and other objects and advantages of the present invention will no doubt become apparent to those skilled in the art, after having read the following detailed description of a preferred embodiment thereof illustrated in the several figures of the drawing.

However, because Giacalone fails to disclose an association list, Giacalone also necessarily fails to disclose transmitting the media package and said association list to a wireless communication device, as required by claim 30.

Because the Office Action admits that Noesgaard and Haller do not disclose that a trigger event is included in an association list and that an association list is transmitted to a wireless communication device along with the media package, and because Giacalone fails to disclose an association list and fails to disclose transmitting a media package and said association list to a wireless communication device, Applicant asserts that the combination of Noesgaard, Haller and Giacalone do not disclose every step of

claim 30 and that claim 30 is therefore presently in condition for allowance. Applicant respectfully requests a notice of allowance for claim 30.

CONCLUSION

For all the foregoing reasons, allowance of claim 30 pending in the present application is respectfully requested. If necessary, applicant requests, under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application and to charge the fees for a large entity under 37 CFR 1.17(a). The Director is authorized to charge any additional fee(s) or any underpayment of fee(s) or credit any overpayment(s) to Deposit Account No. 50-3001 of Kyocera Wireless Corp.

Respectfully Submitted,

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/George W Luckhardt/
George W. Luckhardt
Reg. No. 50,519

George W. Luckhardt
Kyocera Wireless Corp.
Attn: Patent Department
P.O. Box 928289
San Diego, California 92192-8289
Tel: (858) 882-2593
Fax: (858) 882-4221